

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF TEXAS

DALLAS DIVISION

Civil Action No. 3-06cv2322-N

BLANCA VALENZUELA, MARGIE SALAZAR, JOSE A. SERRATO,
JOSIE RENDON, CLARA TOVAR, CONSUELO ESPINO, MARIA
AVILA, ERNESTINA NAVARRETTE, MARIA E. MUNOZ, AMANDA
SALCIDO, CANDELARIO G. ORTEGA, MARIA ORTIZ, JOSE
OLIVA, RAFAELA CHAVEZ, ELODIA ARROYO, SUSANA CARDIEL,
GRACIE RIOS and LEONEL RUIZ, individually and on
behalf of all others similarly situated,
Plaintiffs,
v.

SWIFT BEEF COMPANY, INC., d/b/a SWIFT COMPANY, SWIFT &
COMPANY, HICKS, MUSE, TATE & FURST, INC., HM CAPITAL
PARTNERS OF DALLAS, LLC and JOHN DOES I-V,
Defendants.

DEPOSITION OF: KATHY E. WEBER - April 8, 2008

PURSUANT TO AGREEMENT, the deposition of KATHY
E. WEBER was taken on behalf of the Plaintiffs at 1770
Promontory Circle, Greeley, Colorado 80634, on April 8,
2008, at 3:05 p.m., before Barbara Birger, Registered Merit
Reporter, Certified Realtime Reporter and Notary Public
within Colorado.

A P P E A R A N C E S

For the Plaintiffs: ERIC D. PEARSON, ESQ.
HEYGOOD, ORR, REYES, PEARSON &
BARTOLOMEI
2331 West Northwest Highway
2nd Floor
Dallas, Texas 75220

For the Defendant: ROBERT E. YOULE, ESQ.
Swift Beef Sherman & Howard
Company, Inc. 633 17th Street, Suite 3000
Denver, Colorado 80202

I N D E X

EXAMINATION OF KATHY E. WEBER: PAGE
April 8, 2008

By Mr. Pearson 4

INITIAL
DEPOSITION EXHIBITS: REFERENCE

2 Exhibit A, Response to Interrogatory 1 8

14 Exhibit A and B 14

INITIAL
DEPOSITION EXHIBITS: (Previously marked) REFERENCE

1 Swift Beef Company and Swift & Company's 6
First Supplemental Responses to Putative
Class Representatives' First and Second Set
of Interrogatories

1 WHEREUPON, the following proceedings were taken
2 pursuant to the Federal Rules of Civil Procedure.

3 * * * * *

4 KATHY E. WEBER,
5 having been first duly sworn to state the whole truth,
6 testified as follows:

7 EXAMINATION

8 BY MR. PEARSON:

9 Q. Would you state your full name for the
10 record, please.

11 A. Kathy E. Weber.

12 Q. Is it Ms. or Mrs. Weber?

13 A. Mrs.

14 Q. Mrs. Weber, have you had your deposition
15 taken before?

16 A. Yeah, quite a few years ago.

17 Q. Okay. Let me go over some of the ground
18 rules with you. As you can see, the court reporter
19 seated to your left is taking down everything that you
20 and I both say, so I'll need to ask you to answer out
21 loud to all my questions and avoid using phrases like
22 uh-huh or uh-uh. Can you do that for me?

23 A. Yes.

24 Q. If you don't understand my question, will
25 you let me know and I'll try to rephrase it?

1 A. Yes.

2 Q. If you need a break for any reason, let
3 me know and I'll be happy to accommodate you.

4 A. Okay.

5 Q. What is your current job title with
6 Swift?

7 A. The payroll manager.

8 Q. How long have you been in that position?

9 A. As the manager?

10 Q. Yes.

11 A. Five years, I believe.

12 Q. Were you with Swift prior to that time?

13 A. I've been with Swift since 1981.

14 Q. And can you walk me through your
15 progression of employment from 1981 to the current
16 time?

17 A. I started as the payroll specialist, and
18 went to a lead position, supervisor, and then manager,
19 all in payroll.

20 Q. And, I'm sorry, you already told me this,
21 but you've been the payroll manager since what year?

22 A. I believe it's been five years. I
23 honestly don't remember when the title changed.

24 Q. Who do you report to?

25 A. I report to Theresa Kasperzyk, who is the

1 compensation manager.

2 Q. What are your primary job duties as
3 payroll manager?

4 A. To oversee the processing of the payroll
5 every week. I have four people reporting to me. Make
6 sure that all the taxes are filed, all of the
7 government regulations are being followed.

8 Q. Okay. Anything else?

9 A. Not anything specific.

10 Q. Okay. If you could open that notebook
11 and let me direct you to Exhibit 1. Exhibit 1,
12 looking at interrogatory No. 1, which is on the top of
13 page 3 right there. These are written questions and
14 answers that were exchanged in this lawsuit, and the
15 plaintiffs had asked for information relating to
16 employee name, social security number, job title, wage
17 rate, dates of employment, and total number of hours
18 worked, and there were some objections, and then if
19 you look over at the top of page 4 Swift said, "Swift
20 will produce nonarchived information responsive to
21 Interrogatory No. 1 as Exhibits A and B designated as
22 highly confidential." Do you see that at the top of
23 the page?

24 A. Oh, yes.

25 Q. Were you involved at all in providing the

1 information that was produced by Swift in the form of
2 Exhibits A and B?

3 A. Yes, I was.

4 Q. And how did you go about obtaining that
5 information?

6 A. We have a query tool that we can extract
7 data off of our database.

8 Q. So were you the one who physically did
9 the query to obtain this information?

10 A. Some of it.

11 Q. And who assisted you, if anyone?

12 A. I had an IT support person helping me.

13 Q. And what criteria -- what was your
14 input -- how did you generate these?

15 A. I sat with him and told him which fields
16 of data to pull and where to pull it from.

17 Q. What were the other fields that you could
18 have chosen that you didn't choose to have on these
19 printouts?

20 A. We have over 2,000 tables on our
21 database, so I don't think I have time to list all
22 those for you.

23 Q. For example, do you have the -- do you
24 have the employee's address or phone number, or is
25 that part of your database?

1 A. Yes.

2 Q. And their social security numbers?

3 A. Yes.

4 Q. Let me show you what's been marked as
5 Exhibit 2. And as you can see, this is labeled at the
6 bottom -- I didn't print out the entire Exhibit A and
7 B because, as you can imagine, there were many, many
8 volumes of those.

9 A. Yes.

10 Q. I just printed off the first 20 pages as
11 an example. It's listed as Exhibit A, response to
12 Interrogatory No. 1, correct?

13 A. Yes.

14 Q. Do you know why the social security
15 numbers were not included on this printout?

16 A. For security purposes.

17 Q. That information is available and was
18 available in the database?

19 A. Yes.

20 Q. And what years were you able to access in
21 this computer database to print out information?

22 A. We have everything from 2003 forward.
23 And if they had a record in 2002 it just came over
24 with a mass load from our Legacy payroll system
25 because we converted to a new software. So it wasn't

1 detailed information.

2 Q. So the information that came over from
3 the old software system into the new system was not as
4 detailed?

5 A. No.

6 Q. The new system being PeopleSoft?

7 A. Yes.

8 Q. And what was the old system?

9 A. It was a homegrown, in-house system that
10 ConAgra had. It was called People System.

11 Q. Is that -- is the data from that system
12 still available somewhere?

13 A. No.

14 Q. Is it available in printed form
15 somewhere?

16 A. No.

17 Q. Is it available archived somewhere?

18 A. At ConAgra.

19 Q. What's the current relationship, if any,
20 between ConAgra and Swift?

21 A. Not very.

22 MR. YOULE: Not very good.

23 Q. (BY MR. PEARSON) Explain that to me.

24 A. Well, I mean, the relationship was
25 severed when we were sold to an investment

1 corporation, and they had an agreement with us to give
2 us information for a certain period of time. Anything
3 before that period of time is their data. They own
4 it.

5 Q. So if I wanted to get information similar
6 to what's on Exhibit A for years prior to 2003, in the
7 same level of detail, I would have to go to ConAgra?

8 A. I would assume so, yes.

9 Q. Swift doesn't have access to that either
10 in a computer form or written form anywhere?

11 A. No, we do not.

12 Q. And when these printed out -- as you can
13 see on the example I've given you as Exhibit 2 are the
14 first 20 pages or so -- this doesn't appear to be in
15 alphabetical order or hire date order or any other
16 type of order; is that correct?

17 A. That's correct.

18 Q. Is there not some kind of sorting
19 function that would allow you to do that, or did you
20 choose not to do that?

21 A. It comes out an employee ID number, I
22 believe. So whatever the first assigned number was.

23 Q. You'll see the employee listed at the
24 very top of the page you've got Mark Tassin in
25 Louisville, then it has hire date and rehire date

1 under the same date. Can you explain what that means?

2 A. Because he came over in that sketchy
3 record of 2002, so he had data -- W-2 information in
4 2002. So we had to bring the record over to issue a
5 W-2. But he was termed at the time, so then he was
6 rehired in 1993. So his hire and rehire date would be
7 the same.

8 Q. But even though these pages all say
9 either terminate or rehire, these were people that
10 were just employed one time and then terminated?

11 MR. YOULE: Objection to form.

12 Q. (BY MR. PEARSON) I'm not sure I
13 understand.

14 MR. YOULE: I think it depends on which
15 employees you're talking about.

16 Q. (BY MR. PEARSON) Let's go down five
17 lines to Fabian Perez in Greeley, do you see the hire
18 date of 10/2/2000?

19 A. Uh-huh.

20 Q. Can you answer yes or no?

21 A. Yes. I'm sorry.

22 Q. What would that represent, that date?

23 A. I'm sorry, you're talking about the
24 Greeley person?

25 Q. Right. The fifth line down, Fabian

1 Perez, Greeley, the first time his name is mentioned.

2 It shows a hire date of 10/2/2000.

3 A. His original hire date was 10/2 of 2000,
4 and somewhere in there he terminated. Then he was
5 rehired in 2003, terminated in 2004.

6 Q. Okay.

7 A. There could be a multitude of coming and
8 going in between there. We're giving you the original
9 hire date, and if they were rehired any time past that
10 date and whatever their term date is.

11 Q. Okay. Understood. So if you go down
12 towards the bottom of the page there is the name Bert
13 Bowen, in Greeley?

14 A. Yes.

15 Q. This would show that he was hired in
16 December of 1996. At some point he was terminated,
17 then he was rehired on March 18 of 2003?

18 A. Yes.

19 Q. Then he was terminated again on May 14,
20 2003; is that right?

21 MR. YOULE: Well, or he terminated.

22 A. He terminated.

23 Q. (BY MR. PEARSON) His employment
24 terminated?

25 A. Yes.

1 Q. If he had been rehired after that date,
2 it would be listed here directly beneath? It wouldn't
3 be on some other page, right, it would be right
4 underneath where his name is there?

5 A. Yes, it should be right underneath.

6 Q. These hourly wage rates that are listed,
7 that would be the person's wage rate at what point in
8 time?

9 A. The current one that was on the record
10 for that one.

11 Q. At the time you printed this document?

12 A. Yes.

13 Q. So if they are an active employee, that's
14 what their current wage rate is; is that correct?

15 A. Yes.

16 Q. And if they are someone whose employment
17 has terminated, that's what their pay was when they
18 were terminated?

19 A. Yes.

20 Q. And were you able, working with your IT
21 person, to obtain records for all of the Swift
22 employees that had been employed since 2002 to provide
23 this information?

24 A. Yes.

25 Q. Let me show you what's been marked --

1 MR. YOULE: Just for the record, the
2 interrogatory asked people who worked for hourly
3 wages. That's what we responded. Your question
4 actually said all employees. So I want to make clear
5 that we answered the interrogatory. We didn't provide
6 the other information.

7 MR. PEARSON: Okay. Understood.
8 Understood.

9 Q. (BY MR. PEARSON) Now let me show you
10 what I've marked as Exhibit 14. Do you know why these
11 printouts were divided into Exhibit A and B and they
12 look a little different in form? Are they telling us
13 different things? Is there a different software
14 package? Do you know why the difference?

15 A. They are just telling us different
16 things.

17 Q. All right. What is Exhibit 14 telling us
18 that's different from Exhibit 2 that I've shown you?

19 A. It's telling us the total number of hours
20 worked and the total dollars earned for each calendar
21 year for that employee.

22 Q. Okay. And the wage information was only
23 available from 2003 forward; is that right?

24 A. Yes.

25 Q. And the information that was on Exhibit 2

1 went back to sometime in 2002?

2 A. Yes.

3 Q. Okay. And what database did you use to
4 produce Exhibit 14? Was it the same database?

5 A. PeopleSoft, yes.

6 Q. And, again, that information would have
7 also had the social security numbers of the people?

8 A. Yes.

9 Q. But you chose not to put that on the
10 printout?

11 A. Exactly.

12 Q. Now I see there's different location
13 codes.

14 A. Yes.

15 Q. Do you have -- do you know or is there
16 somewhere -- a key that tells us what each location
17 is?

18 MR. YOULE: There is, actually, and we
19 can provide that.

20 Q. (BY MR. PEARSON) I won't bother to ask
21 you all that.

22 MR. YOULE: She might actually know some
23 of these.

24 A. 130 is Louisville. I don't know how many
25 more you have on here.

1 Q. (BY MR. PEARSON) I wrote them all down.

2 I can throw them at you.

3 A. I can maybe tell you some.

4 Q. 195?

5 A. Is Greeley beef.

6 Q. 482?

7 A. It's either Omaha or Nampa. I get those
8 two mixed up because they are similar numbers.

9 Q. And what about 486?

10 A. I don't know.

11 Q. Is it 486?

12 A. That's probably Omaha or Nampa. Those
13 two are the two.

14 Q. What about 534?

15 A. That's Cactus or Dumas, however you want
16 to refer to it.

17 Q. 709?

18 A. Is Wet Blue Tanning.

19 Q. 717?

20 A. Is Grand Island.

21 Q. 809?

22 A. Hyrum.

23 Q. And 1055?

24 A. Worthington.

25 Q. And 1465?

1 A. Marshalltown.

2 Q. And 1828?

3 A. Is Miller Brothers.

4 Q. What is that?

5 A. The trucking. That's the trucking
6 company.

7 Q. Okay. And on Exhibit 14, the name at the
8 top of the page, Ronald Mattingly, for example.

9 A. Yes.

10 Q. If he was employed in 2004 and 2005, you
11 would find his name again later in the printout under
12 those years?

13 A. Yes.

14 Q. And the Exhibits A and B that were
15 produced were accurate as of the date they were
16 provided?

17 A. Yes.

18 Q. And that was in the last month or so that
19 those were provided?

20 MR. YOULE: Whatever the date of the
21 first interrogatory answers are. And to be completely
22 accurate, it would have been sometime before then.
23 Probably within the two weeks before the date of the
24 interrogatory answers.

25 Q. (BY MR. PEARSON) Would you look at

1 Exhibit 1 in the notebook, please.

2 A. Where are we at now?

3 Q. Would you turn to page 5.

4 A. Okay.

5 Q. And interrogatory No. 3 asks for total
6 number of hourly wage earners, total number of hours
7 worked, then total wages. And that information is
8 included on the next page of the interrogatory
9 answers. Do you see that chart there?

10 A. Yes.

11 Q. Were you involved in the production of
12 that chart or that information?

13 A. I believe I was.

14 Q. How did you go about obtaining that
15 information?

16 A. From the same database.

17 Q. Would that database allow you to take,
18 for example, Greeley beef in 2003 and break it down on
19 a month-by-month basis?

20 A. Yes, it would.

21 Q. Do you know, does Swift maintain a
22 database or hard copies of I-9 forms that are filled
23 out by its employees?

24 A. I don't deal with the I-9 forms.

25 Q. Other than printing out the Exhibits A

1 and B to the interrogatory answers and getting the
2 data for this chart that we're looking at on
3 Exhibit 2, were you asked to do anything else in
4 responding to discovery from the plaintiffs in this
5 lawsuit?

6 MR. YOULE: Do you know? Go ahead and
7 answer.

8 A. The ICE list.

9 Q. (BY MR. PEARSON) Tell me about that.

10 A. It's just not a database but an Excel
11 spreadsheet that I was maintaining to try to identify
12 the employees from the ICE raids. To the best of my
13 knowledge, the people that were missing because we
14 were trying to get them paid their final checks.

15 Q. And how were you able to -- how were you
16 able to prepare that list? What did you have to do?

17 A. Each one of the plants sent a list of all
18 of the employees that were missing, and based on that
19 we tried to identify who picked up checks, who didn't,
20 who hadn't received checks.

21 Q. Did ICE provide Swift with a list of
22 names --

23 A. No.

24 Q. -- of any kind?

25 A. No.

1 MR. PEARSON: I meant to bring the
2 request for production responses, and I thought I did.
3 Do you happen to have those?

4 MR. YOULE: I do not have them. I have
5 only the interrogatory answers.

6 Q. (BY MR. PEARSON) There was a list of --
7 was the list that you compiled the list of people
8 whose jobs were terminated after the ICE raids or
9 people that were arrested or both?

10 A. I'm not -- well, I guess I'm not sure how
11 they identified them. We just had a list of people
12 that we needed to go out and terminate for one reason
13 or another.

14 Q. And who asked you to produce that list?

15 MR. YOULE: Are you talking about the
16 list we produced as an interrogatory exhibit, or the
17 list that was provided by the plants to her?

18 Q. (BY MR. PEARSON) My understanding is
19 that outside of this lawsuit you were involved in
20 getting a list together of people who you had to find
21 them so you could get them their final paycheck?

22 A. Yes.

23 Q. Who asked you to do that?

24 A. Well, we do it as part of our process,
25 our due diligence, to make sure that the employees are

1 paid. From there it was for the department of labor
2 to make sure that everyone was paid.

3 Q. And you were able, just through the names
4 of the people that were -- had not shown up for work
5 since the time of the ICE raids, figure out who was
6 missing and who needed to get a paycheck?

7 A. Yes.

8 Q. There were also produced sort of a list
9 or roster of people who had issues that were reported
10 to the Social Security Administration about their
11 employment. Have you been involved at all in that
12 list -- compiling that list?

13 A. No.

14 Q. And we were -- the plaintiffs were also
15 provided with a list of all the people who have been
16 terminated over time because of issues related to
17 identity theft or lack of proper documentation or
18 potential immigration issues. Did you have any hand
19 in producing that list?

20 A. I don't believe that I was involved in
21 that list, no.

22 Q. Other than compiling the information
23 that's in this chart in Exhibit 2 and printing out the
24 documents that were labeled Exhibit A and B to the
25 interrogatories and compiling the ICE list you've

1 testified about, were you asked to compile any other
2 information in response to the plaintiffs' discovery
3 request in this lawsuit?

4 A. No.

5 MR. YOULE: Actually, let me refresh her
6 memory here.

7 (Discussion off the record.)

8 A. Yes, I'm sorry, I was asked to provide --

9 MR. YOULE: Actually, I think she was
10 involved in Exhibit C, D, and E as well as what you
11 have already covered.

12 MR. PEARSON: Do you have those handy so
13 I can take a look at them?

14 MR. YOULE: I do.

15 Q. (BY MR. PEARSON) Exhibit C, it states on
16 the bottom it is in response to interrogatory 2A,
17 correct?

18 A. Yes.

19 Q. Let's look at Exhibit 1 in your notebook
20 and see what that 2A was.

21 MR. YOULE: It's on page 4, Kathy.

22 Q. (BY MR. PEARSON) 2A was, "The name and
23 social security number of each person who worked for
24 hourly wages in a Swift facility who you are aware was
25 arrested by US Immigration Customs Enforcement, or

1 other law enforcement officials, for violating US
2 immigration laws." Did I read that correctly?

3 A. Yes.

4 Q. And you helped compile Exhibit C in
5 response to that interrogatory 2A?

6 A. Yes.

7 Q. And how did you go about compiling that
8 information?

9 A. The plants submitted lists of who they
10 were confident were illegal -- or had been arrested as
11 illegal, and from there we terminated them with a
12 termination code that reflected that.

13 Q. And that's what is shown in -- that's
14 what was shown in Exhibit C to the interrogatories?

15 A. Yes.

16 Q. And are these only people that were
17 terminated in the ICE raid or had been terminated at
18 some prior time based on concerns Swift had about
19 their immigration status or potential identity theft?

20 A. I believe that that list, the request was
21 just for that period of time.

22 Q. Okay. Let's look at -- you also handed
23 me Exhibit D, which is -- was the response to
24 interrogatory No. 2B, correct?

25 A. Yes.

1 Q. And interrogatory No. 2B asked for, "The
2 name and social security number of each person for
3 calendar years between January 1, 2000, to the present
4 for whom Swift was notified by a third party, e.g.,
5 Medicaid or the Social Security Administration, that
6 the person was using a social security number that was
7 also being used by another person." Is that correct?

8 A. I honestly don't believe I was involved
9 in this particular request for earnings discrepancy
10 letters.

11 Q. So you don't think that you compiled this
12 Exhibit D?

13 A. I honestly don't believe so.

14 Q. Where would someone at Swift obtain the
15 information that would allow you to print out a name
16 of people that had been involved in social security
17 discrepancy letters? Is there a database that has
18 that somewhere?

19 A. It would be our database. The same
20 database. And I believe it would be based on what
21 type of a term code they used.

22 Q. What are the different term codes?

23 A. I can only probably tell you a couple off
24 the top of my head.

25 Q. Okay.

1 A. One would be invalid falsification.
2 Another would be undetermined identity. Those types
3 of things.

4 Q. If Swift got a Social Security
5 Administration discrepancy letter on a particular
6 employee but that issue was eventually resolved to
7 Swift's satisfaction and the employee was not
8 terminated, would that be indicated in the database?

9 A. No.

10 Q. So the database would only reflect people
11 whose employment was terminated because of an issue
12 arising from an SSA discrepancy letter?

13 MR. YOULE: Objection to form for lack of
14 foundation. Do you know?

15 A. No, I don't know. It isn't -- no,
16 because that's not always the case.

17 Q. (BY MR. PEARSON) I'm just trying to
18 figure out how this Exhibit D would have been
19 compiled.

20 MR. YOULE: Do you know?

21 THE DEPONENT: I honestly don't.

22 Q. (BY MR. PEARSON) But what would be -- if
23 this database -- if you got in and typed this name,
24 Michael Abeyta, A-b-e-y-t-a, in your PeopleSoft and
25 you pulled up that employee, would there be an

1 indication -- if that employee had been terminated,
2 would that be indicated on the database you have
3 access to?

4 A. Yes. There would be an indication that
5 he had been terminated for some reason, yes.

6 Q. And would there be a code there for
7 whatever the reason?

8 A. There would be a code there for what the
9 reason was..

10 Q. And one reason could be issues relating
11 to identity theft?

12 A. Yes, one could be.

13 Q. And another could be inability to prove
14 immigration status?

15 A. Could be.

16 Q. But, again, if there had been a Social
17 Security Administration discrepancy letter but that
18 had been resolved, that's not going to show on the
19 database?

20 A. No, it would not.

21 Q. Only people that had been terminated
22 would be indicated there?

23 A. Yes.

24 Q. Okay. Exhibit E was, I think, the wage
25 rates for the various plants?

1 A. Yes.

2 Q. Did you compile that as well?

3 A. Yes.

4 Q. How were you able to do that?

5 A. We have tables that we can extract the
6 data from.

7 Q. Now I'm trying to understand why in
8 Exhibits A and B the plaintiffs were not provided with
9 social security numbers but they were in Exhibits C
10 and D. Do you know why that was done or what the
11 decision making was there?

12 MR. YOULE: I can answer that. In
13 Exhibits C and D, to the best of our information,
14 those were not real people with real social security
15 numbers, and they certainly weren't Swift employees
16 past or present.

17 Q. (BY MR. PEARSON) Okay. I can't ask you
18 questions, really, but I can see if you can answer it.
19 So, for example, Michael Abeyta at the top of
20 Exhibit 2B, is it your understanding that would be the
21 claimed name and the claimed social security number of
22 an employee that Swift employed, but in reality that
23 wasn't the person's name and social security number?

24 A. I can't tell you that that's exactly what
25 his problem was without seeing his termination reason.

1 Q. And what about this Exhibit C that you
2 did have some input on, Joel Clemente, then there is a
3 social security number. Is it your understanding that
4 this name and social security number were what were
5 being claimed by the employee?

6 A. Yes.

7 Q. Based on the fact they were terminated,
8 it's Swift's belief that the person you had working
9 for you under that name and social security was not
10 that person with that social security number?

11 A. Exactly.

12 Q. You're not so sure about that with
13 Exhibit D; is that correct?

14 A. No, I am not.

15 MR. PEARSON: If you'll agree to give me
16 that key code so I can make sure all these plant
17 numbers --

18 MR. YOULE: Sure.

19 MR. PEARSON: I have no further
20 questions.

21 MR. YOULE: No questions.

22 WHEREUPON, the within proceedings were
23 concluded at the approximate hour of 3:39 p.m. on the
24 8th day of April, 2008.

25

1 I, KATHY E. WEBER, do hereby certify that
2 I have read the above and foregoing deposition and
3 that the same is a true and accurate transcription of
4 my testimony, except for attached amendments, if any.

5 Amendments attached () Yes () No
6
7
8
9

KATHY E. WEBER
10
11
12

13 The signature above of KATHY E. WEBER was
14 subscribed and sworn to before me in the county of
15 _____, state of Colorado, this _____ day of
16 _____, 2008.
17
18
19
20

Notary Public

My commission expires
21
22
23

24 Blanca Valenzuela 4/8/08 (bb)
25

1 REPORTER'S CERTIFICATE

2 STATE OF COLORADO)

) ss.

3 CITY AND COUNTY OF DENVER)

4 I, BARBARA BIRGER, Registered Merit
5 Reporter, Certified Realtime Reporter, and Notary
6 Public, State of Colorado, do hereby certify that
7 previous to the commencement of the examination, the
8 said KATHY E. WEBER was duly sworn by me to testify to
9 the truth in relation to the matters in controversy
10 between the parties hereto; that the said deposition
11 was taken in machine shorthand by me at the time and
12 place aforesaid and was thereafter reduced to
13 typewritten form herein; that the foregoing is a true
14 transcript of the questions asked, testimony given,
15 and proceedings had.

16 I further certify that I am not employed
17 by, related to, nor counsel for any of the parties
18 herein, nor otherwise interested in the outcome of
19 this litigation.

20 IN WITNESS WHEREOF, I have affixed my
21 signature this 14th day of April, 2008.

22 My commission expires November 26, 2010.

23 X Reading and Signing was requested.

24 Reading and Signing was waived.

25 Reading and Signing is not required.